

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

JULIUS JOHNSON,)
)
)
Plaintiff,)
)
)
vs.) 1:08-cv-1074-DFH-TAB
)
)
MONON FITNESS CENTER,)
)
)
Defendant.)

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The plaintiff's request to proceed *in forma pauperis* is **granted**.
2. The *in forma pauperis* statute, 28 U.S.C. § 1915, requires the court to "dismiss [an *in forma pauperis*] case at any time if the court determines that . . . the action . . . is frivolous . . . [or] fails to state a claim on which relief may be granted." 28 U.S.C. § 1915(e)(2)(B)(i), (ii). A complaint is required by Rule 8(a) of the *Federal Rules of Civil Procedure* to contain "a short and plain statement of the claim showing that the pleader is entitled to relief . . . ". A complaint is sufficient only to the extent that it "contain[s] either direct or inferential allegations respecting all the material elements necessary to sustain recovery under some viable legal theory." *Bell Atl. Corp. v. Twombly*, 127 S. Ct. 1955, 1969 (2007) (quoting *Car Carriers, Inc. v. Ford Motor Co.*, 745 F.2d 1101, 1106 (7th Cir. 1984)). It has been noted that "dismissal of a complaint on the ground that it is unintelligible is unexceptionable." *Davis v. Ruby Foods, Inc.*, 269 F.3d 818, 820 (7th Cir. 2001). Additionally, "[d]istrict courts should not have to read and decipher tomes disguised as pleadings." *Lindell v. Houser* 442 F.3d 1033, 1035 n.1 (7th Cir. 2006). Mr. Johnson's complaint is subject to dismissal on the basis of the foregoing rules.
3. The action will not be dismissed at present. Instead, Mr. Johnson shall have **through August 29, 2008**, in which to **file an amended complaint**.

4. In preparing an amended complaint, the plaintiff shall conform to the following guidelines: (a) the amended complaint shall comply with the requirement of Rule 8(a)(2) of the *Federal Rules of Civil Procedure* that pleadings contain "a short and plain statement of the claim showing that the pleader is entitled to relief. . . ."; (b) the amended complaint shall comply with the requirement of Rule 10 that the allegations in a complaint be made in numbered paragraphs, each of which should recite, as far as practicable, only a single set of circumstances; (c) the amended complaint must identify what legal injury he claims to have suffered and what persons are responsible for each such legal injury; and (d) the amended complaint shall contain a clear statement of the relief which is sought.

5. If an amended complaint is filed as directed above, it will be screened as required by 28 U.S.C. § 1915 and an appropriate order will be issued. If no amended complaint is filed as directed above, final judgment consistent with the ruling in paragraph 2 of this Entry will issue without further notice to the parties.

So ordered.



DAVID F. HAMILTON, Chief Judge
United States District Court

Date: 8/13/08

Distribution:

Julius Johnson
P.O. Box 441474
Indianapolis, IN 46244